

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2005-21-T**

IN RE:

Application of Roger Garvin DBA Garden	)	MOTION FOR IMMEDIATE
City Limousine Service for a Charter Bus	)	SUSPENSION OF CHARTER BUS
Certificate	)	CERTIFICATE
	)	
	)	
	)	

The Office of Regulatory Staff, by the filing of this Motion would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina (“the Commission”) is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (1976 and Supp. 2006).

2. That the Office of Regulatory Staff (“ORS”) is charged with the duty to protect the public interest pursuant to S.C. Code Ann. Section 58-4-10, et seq. as enacted by 2005 S.C. Acts 175.

3. Roger Garvin DBA Garden City Limousine Service (hereinafter “Garvin” or “company”) is currently operating as a “motor vehicle carrier” as defined in S.C. Code Ann. §58-23-10(4) (Supp. 2006) in that it owns, controls, operates, or manages motor propelled vehicles, not usually operated on or over rails, used in the business of

transporting persons or property for compensation over improved public highways in this state.

4. That Garvin is subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (1976 and Supp. 2006); further, that Garvin has submitted itself to the jurisdiction of the Commission by holding a Charter Bus Certificate as indicated in Attachment A. See Attachment A, Charter Bus Certificate issued by the ORS to Garvin on April 19, 2005.

5. That the ORS has been informed and believes that National Indemnity Company cancelled the motor carrier insurance policy of Garvin effective March 4, 2008. See Attachment B, Form K.

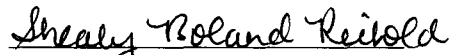
6. That as a result of the receipt of the Form K, the ORS contacted Garvin requiring that the company provide evidence of insurance to the ORS within thirty (30) days as Roger Garvin DBA Garden City Limousine Service would no longer have insurance as required under S.C. Code Ann. §58-23-910 (Supp. 2006) on March 4, 2008. See Attachment B, Form K and Attachment C, Certified Letter of George Parker and Attachment D, Affidavit of Carole Chauvin.

7. That the Commission's own regulations specifically provide that the mere failure of a company to file evidence of insurance is sufficient grounds for the suspension of a Charter Certificate. As stated in 26 S.C. Code Regs. 103-175 (Supp. 2006) "Either a failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the Commission **without further evidence or hearing**, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier." (emphasis added). Further, 26 S. C. Code

Regs. 103-240 (Supp. 2006) provides in relevant part that “this rule (providing for notice an opportunity to be heard) shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a certificate or of an existing order granting operating rights **without hearing** where certain conditions exist.” (emphasis added).

8. That such continued operation by Garvin without any form of insurance is contrary to the public interest as an uninsured motor carrier may pose a threat to customers of the Company and the general public, who would be unaware of Garvin’s lack of insurance.

**WHEREFORE**, the ORS staff prays that this Honorable Commission immediately and without further evidence or hearing suspend, pursuant to 26 S.C. Code Regs. 103-175 (Supp. 2006), the Charter Bus Certificate, Number 0191, of **Roger Garvin DBA Garden City Limousine Service** (issued under Order No. 2005-49 in Docket 2005-21-T) **until such time as the carrier evidences that it has complied with the insurance requirements of this Commission or the carriers certificate of public convenience and necessity has been permanently revoked** and for such other appropriate action which the Commission may deem necessary and proper.

  
Shealy Boland Reibold, Esquire  
Jeffrey M. Nelson, Esquire  
Office of Regulatory Staff  
1441 Main Street, Suite 300  
Columbia, SC 29201

March 25, 2008  
Columbia, SC

Office of Regulatory Staff  
Columbia, South Carolina



PSC Docket No. 2005-21-T  
PSC Order No. 2005-49  
ORS Certificate No. 0191

CLASS C – CHARTER BUS

ATTACHMENT A

**CHARTER BUS CERTIFICATE**

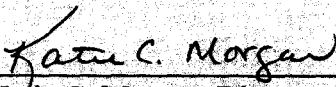
NAME: ROGER GARVIN D/B/A GARDEN CITY LIMOUSINE SERVICE  
ADDRESS: 1739 GORDON HIGHWAY, AUGUSTA, GA. 30904

A charter bus passenger service, by means of motor-propelled vehicles, has furnished evidence of compliance with regard to minimum amounts of financial responsibility relating to insurance requirements and safety requirements of the South Carolina Department of Public Safety.

**BETWEEN POINTS AND PLACES IN SOUTH CAROLINA**

Neither this Certificate nor the rights granted herein shall be sold, assigned, leased, transferred, mortgaged, pledged, or otherwise hypothecated, unless first approved by the Commission.

DATED at Columbia, South Carolina, this 19<sup>th</sup> day of APRIL A.D., 2005.

  
Katie C. Morgan, Director  
Transportation, Telecommunications  
Water/Wastewater

FORM K  
UNIFORM NOTICE OF CANCELLATION OF MOTOR CARRIER INSURANCE POLICIES

Check type canceled: BI and PD x Cargo \_\_\_\_\_

Filed with SOUTH CAROLINA OFFICE OF REGULATORY STAFF (hereinafter called commission)  
(Name of Commission)

This is to advise that under the terms of a policy or policies issued to:

ROGER GARVIN DBA GARDEN CITY LIMOUSINE SERVICE

(Name of Motor Carrier)

of 3008 EAGLE DR., AUGUSTA, GEORGIA 30906  
(Address of Motor Carrier)

by NATIONAL INDEMNITY COMPANY  
(Name of Company)

of 3024 HARNEY STREET, OMAHA, NEBRASKA 68131  
(Address)

RECEIVED

JAN 28 2008

ORS  
T,T,W,W/W

said policy or policies, including any and all endorsements forming a part thereof or certificates issued in connection therewith, is (are) hereby canceled effective as of the 4 day of MARCH, 2008, 12:01 a.m., standard time at the address of the insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the commission.

*[Signature]*

(Signature of Insurer)

Insurance Company File No. 70APN308807

(Policy No.)

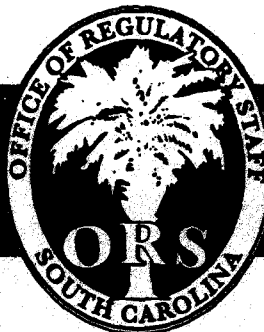
This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b) (2) of the Interstate Commerce Act (49 U.S.C., sec. 302(b) (2)).

MC 2445 (Ed. 4-68)

ATTACHMENT B

CHIEF OF STAFF  
EXECUTIVE DIRECTOR

1111 Main Street, Suite 300  
Columbia, SC 29201



DAN E. ARNETT  
CHIEF OF STAFF

Phone: (803) 737-0800  
Fax: (803) 737-0801

DAWN M. HIPPE  
DIRECTOR

TELECOMMUNICATIONS, TRANSPORTATION, WATER/WASTEWATER  
January 29, 2008

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Roger Garvin DBA  
Garden City Limousine Service  
1739 Gordon Hwy.  
Augusta, GA 30904

**ATTACHMENT C**

**RE: Public Service Commission Required Intrastate Insurance Filing**

Dear Sir/Madam:

Pursuant to S.C. Code Regulation 103-170.1, all motor carriers regulated by the Public Service Commission must file evidence of current insurance. The Office of Regulatory Staff has received the following notice affecting your current insurance coverage:

Insurance Type:	Public Liability and Property Damage Insurance Policy No 70APN308807
Issued by:	National Indemnity Company
Will be:	<b><u>CANCELLED EFFECTIVE 03/04/08 at 12:01 a.m.</u></b>

To remain in compliance with the Public Service Regulations, it is necessary that you file proof of current insurance coverage (FORM E) with the Office of Regulatory Staff prior to the above listed cancellation date. Proof of insurance can be mailed or faxed to:

S.C. Office of Regulatory Staff  
Transportation Department  
PO Box 11263  
Columbia, SC 29211

Fax: 803-737-0815

**\*\*IMPORTANT\*\* \*\*IMPORTANT\*\* \*\*IMPORTANT\*\***

If you have renewed your insurance with the same company or changed insurance companies, please contact our office to see if your insurance company has submitted a current Form E.

If you receive this letter and your company is no longer in business, please contact the Transportation Department at 803-737-0800 and request a Cancellation of Certificate Form.

If you fail to provide this information, you are ordered and directed to cease operations as of the above cancellation date. Operation without proper insurance is a violation of the law and you will be subject to all penalties as outlined in the S.C. Code of Law and Regulations.

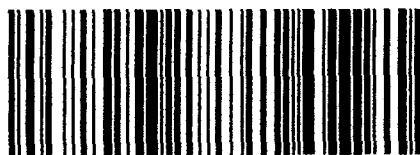
Please contact the Transportation Department with any questions at 803-737-0800.

Sincerely,

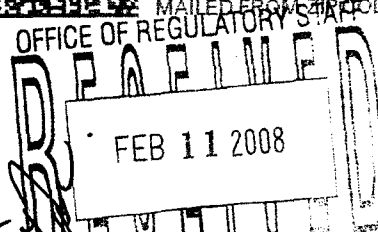
L. George Parker  
Program Manager  
Transportation Department

State of South Carolina  
Department of Regulatory Staff  
Main Street, Suite 300  
Columbia, SC 29201

CERTIFIED MAIL



7006 2760 0003 3432 9299



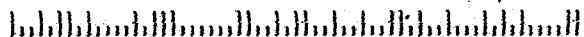
Roger Garvin DBA  
Garden City Limousine Service  
1739 Gordon Hwy.  
Augusta, GA

NIXIE 312 5C 1 76 02/07/08

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

BC: 29201264973 \*2691-00661-05-45

29201@2649



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

Roger Garvin DBA  
Garden City Limousine Service  
1739 Gordon Hwy.  
Augusta, GA 30904

7006 2760 0003 3432 9299

ANK



**ATTACHMENT D**

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2005-21-T**

**March 19, 2008**

IN RE: Motion of the Office of Regulatory	)	
Staff for immediate suspension of	)	AFFIDAVIT OF
Certificates of Public Convenience and	)	Carole Chauvin
Necessity of Certain Motor Carriers	)	

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1441 Main Street, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On January 28, 2008, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 has not been filed with ORS by the following company as of March 19, 2008:

<b>Roger Garvin DBA Garden City Limousine Service 1739 Gordon Hwy. Augusta, GA 30904</b>
--

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin  
Program Specialist, Transportation Department  
Office of Regulatory Staff  
1441 Main Street, Suite 300  
Columbia, SC 29201

Sworn and subscribed before me  
this 19<sup>th</sup> day of March, 20 08

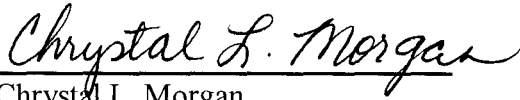
[Signature]  
Notary Public for South Carolina  
My Commission Expires: 5/11/2010

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2005-21-T**

IN RE:	)	
Application of Roger Garvin DBA Garden	)	<b>CERTIFICATE OF</b>
City Limousine Service for a Charter Bus	)	<b>SERVICE</b>
Certificate	)	
	)	

This is to certify that I, Chrystal L. Morgan, have this date served one (1) copy of the **MOTION FOR IMMEDIATE SUSPENSION** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Roger Garvin DBA Garden City Limousine Service  
1739 Gordon Hwy  
Augusta, GA 30904

  
Chrystal L. Morgan

March 25, 2008  
Columbia, South Carolina